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09/663,363	09/15/2000	Yoon Kean Wong	PALM-3303.US.P	2503
49637 7590 05/28/2009 BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069				
EXAMINER				
FRENEL, VANEL				
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3687				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/663,363

**Applicant(s)**

WONG, YOON KEAN

**Examiner**

VANEL FRENEL

**Art Unit**

3687

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/09/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-9, 11-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-16, 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/09/09 has been entered.

### **Notice to Applicant**

2. This communication is in response to the Amendment filed on 3/09/09. Claims 2, 10 and 17 have been cancelled. Claims 1, 3 have been amended. Claims 1, 3-9, 11-16 and 18-24 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-9, 11-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goyal et al (5,873,108) in view Jenson (5,570,109).

As per claim 1, Goyal teaches a computer implemented method for a portable electronic device for automating the categorization of data based on clock time of day, comprising the steps of: determining a clock time of day on a portable electronic device by referencing a real-time clock (Goyal; abstract, col. 8, lines 35-38, and col. 11, lines 21-25); determining a day of a week (See Goyal, Co1.7, lines 66-67 to Col.8, line 46).

Goyal does not explicitly disclose referencing a time of day profile that correlates clock time of day information and day of week information with data categories stored on said "portable electronic device", wherein at least one data category in said portable electronic device is associated with a block of time corresponding to two or more days of said week; setting a default data category which differentiates between business and personal hours based upon the clock time of day, the day of the week, and the time of day profile that is used for accessing stored data in the "portable electronic device" and for storing entered data in the "portable electronic device" at that clock time of day based on the real-time clock, wherein the default data category includes a business category during business times in days and a personal category during personal times in days wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category.

However, this feature is known in the art, as evidenced by Jenson. In particular, Jenson teaches referencing a time of day profile that correlates clock time of day information and day of week information with data categories stored on said "portable electronic device" wherein at least one data category in said portable electronic device is associated with a block of time corresponding to two or more days of said week (See

Jenson, Fig. 4; Col.9, lines 32-67; Col.12, lines 36-67); setting a default data category which differentiates between business and personal hours based upon the clock time of day, the day of the week, and the time of day profile that is used for accessing stored data in the handheld computer and for storing entered data in the portable electronic device" at that clock time of day based on the real-time clock, wherein the default data category includes a business category during business times in days and a personal category during personal times in days wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category (See Jenson, Figs 11A- 11 B; Col.12, lines 35-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Jenson within the system of Goyal with the motivation of providing an efficient, intuitive method and apparatus for controlling both a schedule and a to-do list on the screen of a pen-based computer system (See Jenson, Col.2, lines 35-44).

As per claim 3, Goyal teaches wherein said implemented method is carried out within a personal information manager program operating on a programmed processor residing within the "portable electronic device" (Goyal; col. 3, lines 50-60).

As per claim 4, Goyal teaches displaying only data categorized in the default data category and hiding information categorized in any other category (Goyal; figure 3 and Col. 11, lines 21-25).

As per claim 5, Goyal teaches entering data categorized in the default category (Goyal; col. 11, lines 28-31).

Claims 6 and 7 differ from 5 and 4, respectively, by reciting "providing an option to change the default data category to a selected data category." The combined system of Goyal and Koyabu collectively fail to expressly teach this limitation. However, since the combined system of Goyal and Jenson collectively do teach providing an option of manually changing data categories (Goyal; col. 8, lines 31-46) the default data category is the initial data category where data can be entered, it is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Goyal and Jenson to provide an option to change the default data category to a selected data category, with the motivation of enabling the user to specify which data category should the data be entered in.

As per claim 8, Goyal teaches wherein the data comprises one of address book data, to-do list data, notes data, email data and calendar data (Goyal; col. 2, lines 40-56).

As per claim 9, Goyal discloses a portable electronic device (See Goyal, Col .1, lines 17- 34), comprising the steps of: a programmed processor (See Goyal, Col .3, lines 61- 67); a personal information manager program operating on the programmed

processor (See Goyal, Fig.2, Col .11, lines 21-54); a clock for determining a clock time of day (See Goyal, Fig.2 (213); Col .8, lines 39-60); a calendar for determining a day of a week first program means (See Goyal, Col.9, lines 43-59), and second program means for setting a default data category for the personal information manager based upon the clock time of day, the day of the week, and the time of day profile (Goyal; col. 11, lines 21-25).

Goyal fails to explicitly teach used for accessing stored data in said portable electronic device and for storing entered data in the portable electronic device at that clock time of day; wherein the default data category is set to differentiate between business and personal hours of the day, wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category. However, this feature is known in the art, as evidenced by Jenson. In particular, Jenson teaches used for accessing stored data in said portable electronic device and for storing entered data in the portable electronic device at that clock time of day; wherein the default data category is set to differentiate between business and personal hours of the day, wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category (See Jenson, Figs 11a- 11b; Col.12, lines 35-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Jenson within the system of Goyal with the motivation of providing an efficient, intuitive method and apparatus for controlling both a

schedule and a to-do list on the screen of a pen-based computer system (See Jenson, Col.2, lines 35-44).

The device claims 11-15 repeat the subject matter of method claims 1, and 4-8, respectively as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1 and 4-8 have been shown to be fully disclosed by the teachings of Goyal Jenson above in the rejection of claims 1, and 4-8, it is readily apparent that the system disclosed by Goyal, Jenson includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1, and 4-8, and incorporated herein.

As per claim 16, Goyal discloses an electronic storage medium containing instructions, which when carried out on a programmed processor for a portable electronic device, carry out the steps of: determining a clock time of day (Goyal; abstract, col. 8, lines 35-38, and col. 11, lines 21-25) on a palmtop computer (See Goyal, Col.1, lines 17-34); determining a day of a week (See Goyal, Col.7, lines 66-67 to Col.8, line 46).

Goyal does not explicitly disclose referencing a time of day profile that correlates clock time of day information and day of week information with data categories on said palmtop computer, wherein at least one data category is associated with a block of time corresponding to two or more days of said week; and setting a default data category which differentiates between business and personal hours based upon the clock time of



day, the day of the week, and the time of day profile that is used for accessing stored data in the programmed processor and for storing entered data in the programmed processor at that clock time of day, wherein the default data category establishes differences between business and personal hours of the day, wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category; and wherein the data comprises one of address book data, notes data, email data, to-do list data and calendar data.

However, these features are known in the art, as evidenced by Jenson. In particular, Jenson teaches referencing a time of day profile that correlates clock time of day information and day of week information with data categories on said palmtop computer, wherein at least one data category is associated with a block of time corresponding to two or more days of said week; and setting a default data category which differentiates between business and personal hours based upon the clock time of day, the day of the week, and the time of day profile that is used for accessing stored data in the programmed processor and for storing entered data in the programmed processor at that clock time of day, wherein the default data category establishes differences between business and personal hours of the day, wherein the time of day profile correlates a clock time with at least one of a personal data category and a business data category (See Jenson, Figs 11 a- 11f; and wherein the data comprises one of address book data, notes data, email data, to-do list data and calendar data (See Jenson, Figs 11a- 11f; Col.12, lines 35-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Jenson within the system of Goyal with the motivation of providing an efficient, intuitive method and apparatus for controlling both a schedule and a to-do list on the screen of a pen-based computer system (See Jenson, Col.2, lines 35-44).

Claims 18-20 differs from claims 1, 3, 6, 7 and 8 by reciting the electronic storage medium. As per this limitation, Goyal system is implemented on a computer (See Goyal, Col .3, lines 50-60). As such, Goyal implicitly includes computer elements such as a programmed computer readable-medium. The remainder of claims 18-20 repeat the limitations of claims 1 and 6-8, and are therefore rejected for the same reasons given above for claims 1 and 6-8.

As per claim 21, Goyal discloses a computer- implemented method of automating categorization of data for a portable electronic device, comprising the steps of: determining a current time of day on a portable electronic device based on a real-time clock (Col.8, lines 35-38; Col.11, lines 21-25); determining a day of a week (See Goyal, Col.7, lines 66-67 to Col .8, line 46).

Goyal does not explicitly disclose referencing a time of day profile that correlates clock time of day information and day of week information with data categories on said portable electronic device, wherein at least one data category is associated with a block of time corresponding to two or more days of said week, setting a default data category

based upon said current time of day, the day of the week, and said time of day profile wherein the default data category establishes differences between business and personal hour; performing actions only within said default data category in a computer at that clock time of day; performing actions only within said default data category in the "portable electronic device" at that clock time of day.

However, these features are known in the art, as evidenced by Jenson. In particular, Jenson teaches referencing a time of day profile that correlates clock time of day information and day of week information with data categories on said portable electronic device, wherein at least one data category is associated with a block of time corresponding to two or more days of said week, setting a default data category based upon said current time of day, the day of the week, and said time of day profile wherein the default data category establishes differences between business and personal hour (See Jenson, Figs.11a-11f; Col.12, lines 35-67); performing actions only within said default data category in a computer at that clock time of day; performing actions only within said default data category in the "portable electronic device" at that clock time of day (See Jenson, Figs 11a- 11f; Col.12, lines 35-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Jenson within the system of Goyal with the motivation of providing an efficient, intuitive method and apparatus for controlling both a schedule and a to-do list on the screen of a pen-based computer system (See Jenson, Col.2, lines 35-44).

As per claim 22, Goyal discloses the method wherein actions is taken from a list consisting of: creating a data entry (Col.3, lines 50-67 to Col.4, line 32); editing a previously created data entry (Col.7, lines 31-67); retrieving said previously created data entry (Col.7, lines 31-67); displaying data in said previously created data entry (Col.4, lines 47-64); and querying said default data category (Co1.9, lines 43-67 to Col .10, line 24).

As per claim 23; Goyal discloses the method wherein said current time of day comprises: current time information (Col.4, lines 41064); current day of the week information (Col .4, lines 41-67 to Col .5, lines 49-67); current month of the of the year information (Col .4, lines 41-67 to Co1.5, lines 49-67); and current year information (Co1.4, lines 41-67 to Col .5, lines 49-67).

As per claim 24, Goyal discloses the method further comprising: changing said default data category to another data category for performing actions only within said another data category (Col .5, lines 49-67 to Col .6, line26).

### ***Response to Arguments***

5. Applicant's arguments filed 3/09/09 with respect to claims 1, 3-9, 11-16 and 18-24 have been considered but they are not persuasive.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 3/09/09 amendment, have

been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Goyal and/or Jenson based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/  
Examiner, Art Unit 3687  
May 25, 2009